

Exhibit A

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----X

3 MONIQUE Da SILVA MOORE, et
3 al.,

4 Plaintiffs,

5 v.

11 CV 1279 (RJS)

6 PUBLICIS GROUPE, et al.,

7 Defendants.

8 -----X

9 New York, N.Y.
9 January 4, 2011
10 10:58 a.m.

11 Before:

12 HON. ANDREW J. PECK,

13 Magistrate Judge

14 APPEARANCES

15 SANFORD WITTELS & HEISLER LLP
15 Attorneys for Plaintiffs
16 JANETTE WIPPER
16 DEEPIKA BAINS

17 JACKSON LEWIS LLP
18 Attorneys for Defendant MSL Group
18 BRETT M. ANDERS
19 VICTORIA WOODIN CHAVEY
20 ALSO PRESENT:

21 PAUL J. NEALE, DOAR Litigation Consulting
21 GENE KILMOV, DOAR Litigation Consulting
22 ERIC SEGGEBRUCH, Recommind
22 CRAIG CARPENTER, Recommind

23
24
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1 their problem.

2 OK, continue.

3 MR. ANDERS: So far 36 were deemed relevant. Of the
4 400 not relevant I have reviewed, they were clearly not
5 relevant. So right now the baseline is .015 percent of that
6 random sample was relevant. If you translate that to the
7 entire database, that's 48,000 documents.

8 After we did a random sample, then what we have done
9 at the same time is we have applied keywords and we have taken
10 the results of those keywords and sample-coded. So, for
11 example, if there's a keyword "reorganization," we may have
12 reviewed the top 200 random hits. We did that across the
13 board.

14 Also, to respond to several of plaintiffs' targeted
15 document requests, we ran targeted searches across the
16 database. That's what we have already produced, about a
17 thousand pages of documents. So we have that coding that's in
18 there.

19 Plaintiffs' counsel, they have sent us now three
20 different revisions of keywords. What I have proposed to
21 plaintiffs' counsel is, I'll give you the hit lists. I've
22 already given them two sets of hit lists; we have another set
23 to give them, I'll review -- or we'll review 3,000 of those
24 hits, you tell us how you want us to review it but pick the
25 hits, we'll review any of the top 200 in these ten categories,

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1 I'm away a little bit, try to redraft the protocol to address
2 what we discussed today.

3 THE COURT: I know every lawyer thinks they're
4 indispensable and I'm not pulling the "Jackson Lewis is a big
5 firm and you're all fungible," but is there not another person
6 who may be less email savvy or computer savvy than you, such as
7 Ms. Chavey, for example, who can follow up, along with the
8 folks from Recommind and plaintiffs' counsel, and not lose an
9 entire week because you're on vacation?

10 MS. CHAVEY: Of course, your Honor.

11 THE COURT: And I happen to know, it may not be on
12 this case, if it's a true e-discovery dispute, I happen to know
13 your Florida e-discovery counsel very well --

14 MR. ANDERS: He knows a little bit.

15 THE COURT: You can bring Mr. Losey into the mix if
16 need be.

17 MR. ANDERS: OK, understood.

18 THE COURT: What else?

19 MS. CHAVEY: Your Honor, I know your Honor said you
20 weren't going to reconsider what was addressed this morning,
21 but I did look, during the break, about the issue about
22 Mr. Tsokanos in complaints that had been made against him. I
23 think on plaintiffs' counsel's representation that their
24 understanding was there had been a complaint in 2005, you
25 ordered us to provide that. There was not a complaint in 2005.

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